



Texas Department of Insurance

Division of Workers' Comp

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

BAYLOR SURGICAL HOSPITAL
750 12TH AVE
FORT WORTH TX 76104

Respondent Name

ACE AMERICAN INSURANCE COMPANY

Carrier's Austin Representative Box

Box Number 15

MFDR Tracking Number

M4-12-0278-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Per TDI Rule 134.403 reimbursement is requested @ 108% of the Medicare DRG with implant invoice consideration. Partial reimbursement was received and reconsideration requested submitted. Additional payment was received, however, services remain underpaid."

Amount in Dispute: \$25,830.82

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Enclosed please find a letter of explanation from Coventry who performed the bill review for the medical bill in dispute. As the hospital requested separate payment for the implantables, each was paid at the amount billed with the exception for the two implants which were billed, but not documented as used in the operative report. The EOB does reflect which two items were not paid for this reason:" "All other charges were paid in accordance with the fee guidelines."

Response Submitted by: Downs Stanford, PC, 2001 Bryan Street, Suite 4000, Dallas, Texas 75201

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 17, 2011 through January 21, 2011	Inpatient Hospital Surgical Services	\$25,830.82	\$1,538.46

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving a medical fee dispute.
2. 28 Texas Administrative Code §134.404 sets out the guidelines for reimbursement of hospital facility fees for inpatient services.
3. 28 Texas Administrative Code §134.404(e) states that: "Except as provided in subsection (h) of this section, regardless of billed amount, reimbursement shall be:
 - (1) the amount for the service that is included in a specific fee schedule set in a contract that complies with the requirements of Labor Code §413.011; or
 - (2) if no contracted fee schedule exists that complies with Labor Code §413.011, the maximum allowable reimbursement (MAR) amount under subsection (f) of this section, including any applicable outlier payment amounts and reimbursement for implantables."
 - (3) If no contracted fee schedule exists that complies with Labor Code §413.011, and an amount cannot be determined by application of the formula to calculate the MAR as outlined in subsection (f) of this section, reimbursement shall be determined in accordance with §134.1 of this title (relating to Medical Reimbursement).
4. 28 Texas Administrative Code §134.404(f) states that "The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors as published annually in the Federal Register. The following minimal modifications shall be applied.
 - (1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:
 - (A) 143 percent; unless
 - (B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 108 percent."
5. 28 Texas Administrative Code §134.404(g) states that "Implantables, when billed separately by the facility or a surgical implant provider in accordance with subsection (f)(1)(B) of this section, shall be reimbursed at the lesser of the manufacturer's invoice amount or the net amount (exclusive of rebates and discounts) plus 10 percent or \$1,000 per billed item add-on, whichever is less, but not to exceed \$2,000 in add-on's per admission."
6. The services in dispute were reduced/denied by the respondent with the following reason codes:

Explanation of benefits dated June 7, 2011

- 1 - 197 – Precertification/authorization/notification absent.
- 2 - 16 – Claim/service lacks information which is needed for adjudication.
- 3 – W1 – Workers Compensation State Fee Schedule Adjustment.
- 1 - 197 – Pre-certification or authorization or notification absent. (XB07)
- 2 - Payment for this charge is not recommended without documentation of cost. (X023)
- * Payment of \$0.00 was previously issued for this claim. The payment should have been \$30132.60. (Z989)

Explanation of benefits dated September 9, 2011

- 1 - W1 – Workers Compensation State Fee Schedule Adjustment.
- 2 – B12 – Services not documented in patient's medical records.
- 1 – The charge for this procedure exceeds the fee schedule allowance. (Z710)
- 2 – CV: THE IMPLANT CHARGED IS NOT DOCUMENTED IN THE OPERATIVE REPORT. (V139)
- 3 – Recommendation of payment has been based on this procedure code, 278, which best describes services rendered. (Z652)
- 4 – The charges for this hospitalization have been reduced based on the fee schedule allowance. (Z695)
- * Payment of \$30132.60 was previously issued for this claim. The payment should have been \$72982.49 (Z989)

Issues

1. Can the maximum allowable reimbursement (MAR) amount for the disputed services be determined according to 28 Texas Administrative Code §134.404(f)?
2. Did the facility or a surgical implant provider request separate reimbursement for implantables in accordance with 28 Texas Administrative Code §134.404(g)?
3. Did the respondent support their denial reason '16'?
4. Is the requestor entitled to additional reimbursement for the disputed services?

Findings

1. Review of the submitted documentation finds that the maximum allowable reimbursement (MAR) amount for the disputed services can be determined according to 28 Texas Administrative Code §134.404(f).
2. Review of the submitted documentation finds that separate reimbursement for implantables was requested in accordance with 28 Texas Administrative Code §134.404(g).
3. Review of the submitted documentation finds that the respondent did submit documentation to support their denial '16' regarding denied reimbursement for the two unpaid implants. Further review of documentation finds that the requestor did not submit medical records for review, specifically the operative report, to support the denied implants.
4. Reimbursement for the disputed services is calculated in accordance with 28 TAC §134.404(f)(1)(B) as follows:

The Medicare facility-specific reimbursement amount including outlier payment amount for the disputed services (not including implantables) billed under DRG 460 is \$20,644.40.

This amount multiplied by 108% is \$22,295.95.

The total net invoice amount (exclusive of rebates and discounts) for the disputed implantables is \$50,225.00..

The total add-on amount of 10% or \$1,000 per billed item add-on, whichever is less, but not to exceed \$2,000 in add-on's per admission is \$2,000.00.

The total maximum allowable reimbursement (MAR) is \$74,520.95.

This amount less the amount previously paid by the respondent of \$72,982.49 leaves an amount due to the requestor of \$6,737.46.

The Division concludes that the requestor is entitled to \$1,538.46 additional reimbursement.

Conclusion

For the reasons stated above, the division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$1,538.46.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$1,538.46 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____ Signature	_____ Medical Fee Dispute Resolution Officer	_____ October 28, 2011 Date
_____ Signature	_____ Medical Fee Dispute Resolution Manager	_____ October 28, 2011 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.